IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE P.R.RAMAN

MONDAY, THE 1ST JANUARY 2007 / 11TH PAUSHA 1928

OP.No. 7425 of 2001(H)

PETITIONER:

THE INDIAN OVERSEAS BANK, KOLLAM BRACH,
REPRESENTED BY ITS MANAGER SRI P.T.BABY JOHN,
INDIAN OVERSEAS BANK, KOLLAM.

BY ADV. SRI.P.B.SURESH KUMAR(QUILON)

RESPONDENTS:

1. STATE OF KERALA, REPRESENTRED BY THE CHIEF SECRETARY, GOVT. OF KERALA, THIRUVANANTHAPURAM.

2. THE DISTRICT COLLECTOR, KOLLAM.

3. THE TAHSILDAR (REVENUE RECOVERY), KOLLAM.

4. S. RADHAKRISHNAN NAIR, GIRISH VIHAR, KOCHUPILAMMOODU, KOLLAM.

5. M/S.S.R.CASHEWS (PVT.) LIMITED, REPRESENTED BY ITS MANAGING DIRECTOR, SRI S.RADHAKRISHNAN NAIR, RANEEDH VIHAR, M.C.NO.218, MUNDAKKAL WEST, KOLLAM.

R4 & R5 BY ADV. SRI.ARIKKAT VIJAYAN MENON
SRI.HARISANKAR V. MENON
SMT.MEERA V.MENON
R1 TO R3 BY GOVERNMENT PLEADER SRI SOJAN JAMES.

THIS ORIGINAL PETITION HAVING BEEN FINALLY HEARD ON 01/01/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

ORDER ON CMP.NO.12171/2001 IN OP.NO.7425/2001

DISMISSED

1/1/2007 Sd/-P.R.RAMAN, JUDGE.

APPENDIX

PETITIONER'S EXTS:

EXT.P1 TRUE COPY OF THE RELEVANT PAGE OF THE TITLE DEED REGISTER OF THE PETITIONER BANK EVIDENCING DEPOSIT OF TITLE DEEDS PERTAINING TO THE SAID PROPERTY BY THE FOURTH RESPONDENT DTD. 18/3/1977.

EXT.P2 TRUE COPY OF THE DECREE IN O.S.NO.124/87 OF THE SUB COURT, KOLLAM DTD. 31/10/96.

EXT.P3 TRUE COPY OF THE ORDER PASSED BY THE DEBTS RECOVERY TRIBUNAL, ERNAKULAM, IN O.A.NO.1394/1998 DTD. 25/4/2000.

EXT.P4 TRUE COPY OF THE CLAIM PETITION SENT BY THE PETITIONER TO THE 3RD RESPONDENT DTD. 26/2/2001.

EXT.P5 TRUE COPY OF THE SALE NOTICE ISSUED BY THE 3RD RESPONDENT TO THE FOURTH RESPONDENT BEARING KLNO.D31914/1988 DTD. 13/2/2001.

P.R.RAMAN, J.

O.P.NO.7425 OF 2001

Dated this the 1st day of January, 2007

JUDGMENT

The issue arises for consideration in this original petition is now squarely covered by the decision of this Court in **Sherry Jacob v. Canara Bank (2004 (3) KLT 1089)** in favour of the State. It has been held in the said decision that the State has a first charge over the property by virtue of Section 26 B of the K.G.S.T. Act.

Accordingly this original petition stands dismissed.

P.R.RAMAN,
JUDGE.

kcv.

P.R.RAMAN, J.

O.P.NO.7425 OF 2001

JUDGMENT

1st January, 2007